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ARUTYUN MARSIKYAN and PAYAM SAIDAT *Journal of Clinical Pharmacy and Therapeutics* 2006; 31: 1–16 © 2006 Blackwell Publishing Ltd

10 SAADAT, individually and on behalf of a class of similarly situated individuals

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

15 ARUTYUN MARSIKYAN and PAYAM  
16 SAADAT, individually and on behalf of a  
class of similarly situated individuals,

} NO. CV08-04876 AHM (FMOx)  
} CLASS ACTION

## Plaintiffs,

18 || v.

19 MERCEDES-BENZ USA, LLC and  
DOES 1-500, inclusive,

## Defendants.

**ORDER GRANTING  
PLAINTIFFS' APPLICATION  
FOR AN AWARD OF ATTORNEY  
FEES, REIMBURSEMENT OF  
EXPENSES, AND INCENTIVE  
AWARD TO THE CLASS  
REPRESENTATIVE**

**KNAPP,  
PETERSEN  
& CLARKE**

1       The Court has granted final approval of the proposed class action settlement  
 2 resolving the above action. Pursuant to Rule 23(h) of the Federal Rules of Civil  
 3 Procedure, the law firms of Knapp, Petersen & Clarke and the law offices of Robert  
 4 L. Starr, appointed by this Court as Class Counsel upon preliminary approval of the  
 5 Settlement, have applied for a total award of \$1,500,000 for attorneys' fees, \$35,000  
 6 for reimbursement of expenses and an incentive award of \$10,000 for each of the  
 7 Class Representative Plaintiffs, payable out of the attorney fee award to counsel for  
 8 Plaintiffs. Plaintiffs' counsel's fee application is made pursuant to the Settlement  
 9 Agreement reached with MBUSA and under California Civil Code section 1780(e)  
 10 of the California Consumers Legal Remedies Act ("CLRA"), one of the claims in  
 11 this lawsuit, and the private attorney general doctrine, codified at California Code of  
 12 Civil Procedure section 1021.5. The Court, having considered all papers submitted  
 13 and oral argument presented, hereby finds and orders as follows:

14       1.     The Court finds that Plaintiffs are prevailing plaintiffs under Section  
 15 1780( e) and are entitled to an award of attorneys' fees and costs. The Court also  
 16 finds that Plaintiffs meet the requirements set forth in Section 1021.5 for an award of  
 17 attorneys' fees. Plaintiffs' lawsuit resulted in the enforcement of important public  
 18 rights affecting the public's interest, including those underlying California's  
 19 consumer protection statutes, while at the same time conferring significant benefits,  
 20 both pecuniary and non-pecuniary, on a large class of persons. Further, the financial  
 21 burden of private enforcement is such as to make it appropriate to award attorneys'  
 22 fees under Section 1021.5. The necessity of pursuing this lawsuit placed a burden on  
 23 Plaintiffs out of proportion to their individual stake in the matter.

24       2.     Pursuant to the declaration of Stephen M. Harris and supporting exhibits  
 25 attached thereto, Class Counsel has spent approximately 2,900 hours in prosecuting  
 26 this action. Based on Class Counsel's hourly rates, as presented in the declaration of  
 27 Stephen M. Harris, Class Counsel's attorney's fees are \$1,227,484. The Court finds  
 28 that these fees are reasonable under the facts and procedural posture of this case.

1       3. In light of the favorable settlement benefits Class Counsel obtained for  
2 the settlement class, as set forth in the detail in the Settlement Agreement, and based  
3 on the positive responses of class members to the settlement, the Court finds that a  
4 multiplier of approximately 1.25 as requested by Class Counsel is reasonable and  
5 appropriate. Thus, the Court hereby awards attorney's fees of \$1,500,000 to Class  
6 Counsel.

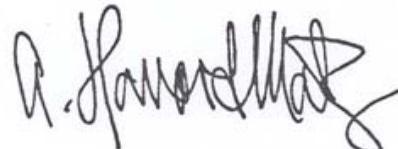
7       4. The Court also awards Plaintiffs' counsel costs in the amount of  
8 \$35,000 as contemplated by the parties' agreement.

9       5. The Court overrules the objections to the attorney fee of class counsel,  
10 as set forth in the objections filed by Sam Cannata and Patrick McKinley.

11      6. The Court also finds that an incentive award of \$10,000 for each of the  
12 Class Representatives and Plaintiffs is appropriate for their efforts in bringing and  
13 prosecuting this action and for devoting time and effort to keeping themselves  
14 informed of the litigation.

15      7. The court orders that the attorney fees award to Plaintiffs' counsel, after  
16 deduction of costs, and the incentive fee awards, shall be divided equally between  
17 Knapp, Petersen & Clarke, the Law Offices of Robert Starr and attorney Payam  
18 Shahian, as set forth in the declaration of Stephen M. Harris, paragraph 42.

19  
20      IT IS SO ORDERED:  
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22 Dated: May 17, 2010

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23                   A. Howard Matz - Courtroom 14  
24                   Judge, United States District Court

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26  
27  
28  
KNAPP,  
PETERSEN  
& CLARKE